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LETTER DATED 26 NOVEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions from my Government, I have the honour to transmit to you herewith Iraq's comments on the briefing of the representative of the International Atomic Energy Agency presented during the Security Council consultations of 24 November 1997.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

* Reissued for technical reasons.

Annex

Iraq's comments on the five points indicated in the briefing of the International Atomic Energy Agency to the Security Council on 24 November 1997

I. INTRODUCTION

1. Recent discussions in the Security Council in the nuclear area focused on the report of the International Atomic Energy Agency (IAEA) dated 8 October 1997, which was circulated as document S/1997/779.

2. In this report, IAEA stated clearly that it had completed the task of destruction, removal, and rendering harmless of Iraq's nuclear capabilities. It also stated in the same report that Iraq's "Full, Final and Complete Declaration" (FFCD-F), together with its addenda, conforms to the technically coherent picture of the former Iraqi nuclear programme (INP).

3. Moreover, the ongoing monitoring and verification (OMV) activities of IAEA have confirmed that no proscribed equipment, materials or activities exist in Iraq.

4. Paragraph 75 of document S/1997/779 mentions five points which IAEA seems to consider requiring further clarifications.

5. The five points mentioned by IAEA are of minor significance and they should not defer the immediate closure of the nuclear file. These points are non-technical in nature and have been sufficiently clarified in numerous letters to and discussions with the IAEA Action Team (AT).

6. Since these minor points have been the subject of recent discussions in the Security Council, the Iraqi Team (IT) presents hereunder the final and definitive position which should dispose of them finally.

II. THE SO-CALLED "GOVERNMENTAL COMMITTEE"

1. This term was first introduced in an ad hoc talk given by a member of IT during May 1997 within the context of movement, destruction of equipment, materials and facilities of the former INP.

2. It was unfortunate that the term "committee" was chosen in this ad hoc talk. In fact, the leadership in Iraq has entrusted Deputy Prime Minister Mr. Tariq Aziz since the end of June 1991 with the task of overseeing the relationship between Iraq and the Security Council on all matters related to proscribed activities under Council resolution 687 (1991).

3. In order to implement this task, Mr. Tariq Aziz has called upon the advice of a number of officials, as he deemed necessary, and according to the nature of the matter at hand. In fact no committee existed and all decisions rested with the Deputy Prime Minister.

4. The decision to unilaterally destroy equipment and materials of the former INP was issued by Mr. Aziz at the end of June 1991.

5. The letter of the Foreign Minister of Iraq to the Secretary-General of 7 June 1991 stated clearly the motivation for the unilateral destruction implemented by Iraq at that time.

6. The IAEA AT leader, together with two senior IAEA AT members, met with Iraq's Foreign Minister in Baghdad on 23 July 1997. At that meeting, after having elaborated in detail on this subject, the Foreign Minister categorically stated that no such governmental committee existed. Moreover, the IT letters dated 3 and 22 September 1997 provided sufficient information confirming the non-existence of this alleged committee.

III. EXTERNAL ASSISTANCE TO THE FORMER INP

1. Iraq voluntarily handed over to IAEA AT the so-called Haider House Farm documents. Included within these documents was a file of several hundred pages of correspondence between the Iraqi Atomic Energy Commission (IAEC) and the Mukhabarat (as stated in the IAEA briefing to the Security Council of 24 November 1997).

2. The procurement aspect in this relationship has been fully clarified to IAEA AT and was demonstrated to be a very minor procurement channel. Moreover, IT letters dated 15 and 22 September 1997 provided further clarifications. This led IAEA to indicate, in its briefing to the Security Council of 24 November 1997, that "the procurement aspect has essentially been clarified".

3. The file referred to in paragraph 1 above also contained unsolicited offers received by IAEC/Petrochemical Project 3 through this channel.

4. IAEA AT translated the complete file into English and produced sample documents from the file "to refresh the memory of IT members" during discussions of this subject.

5. Since there is only one original copy of this file in existence, and this copy is in the possession of IAEA, then it is evident that IAEA has all the information related to this matter.

6. IT pointed out that the information contained in this file is authentic and needs no further corroboration.

7. Moreover, IT wishes to point out categorically that no external assistance was received by the former INP other than that already declared to IAEA AT. If IAEA possesses any evidence to the contrary, then it should be declared promptly.

8. Upon his return to Iraq from the forty-first General Conference of IAEA, Iraq's Minister of Culture and Information made a serious effort in an attempt to locate any documents or additional information pertinent to this matter.

These efforts have not uncovered anything of substance. He is now convinced that nothing more could be found.

9. The IAEA AT leader pointed out to the Security Council "the serious challenge that would be posed to the OMV plan of IAEA if Iraq were to directly acquire weapons-usable nuclear materials". IT considers this to be a false and misleading statement both scientifically and technically. It grossly understates the extent of resources needed to accomplish useable nuclear weapons starting only from the nuclear pit materials.

IV. THE HUSSEIN KAMIL AGENDA

1. The Iraqi team made it abundantly clear that the former INP was practically abandoned and terminated during April 1991. The IT letter of 31 August 1997 and its attachments provide adequate details for final verification.

2. IT also provided a detailed list of 66 directives and decrees indicating the abandonment of the former INP in its letter of 26 August 1997. The full organigrams of the former INP entities were included. Also included were the definitions of new missions for the former participating entities, which constitute additional proof for programme abandonment.

3. IT provided in its letter of 3 September 1997 a detailed account of its action from March 1991 onwards in connection with the destruction of materials, equipment, facilities and documentation. It appears that Hussein Kamil acted solely on his own individual initiative in his decision to collect and store the documents and materials that were eventually found at the Farm. It was demonstrated to the Action Team by the Iraqi Team that he did not seek technical advice in his particular choice of the stored items. In any case, upon finding these stored items, the Iraqi authorities immediately handed over all items to IAEA.

4. IT points out that this question was fully addressed during discussions in May and July 1997 as well as the IT letters mentioned above. Moreover, UNSCOM and IAEA officials were the last to interview Hussein Kamil in Amman and they probably inquired about his agenda. IT showed no reluctance in addressing this question but have no additional information other than that already provided to IAEA.

5. Nothing short of resurrecting Hussein Kamil could provide more useful information on his agenda.

V. SUMMARY OF PRACTICAL AND THEORETICAL ACHIEVEMENTS

1. The Director General of IAEA attached the proposed list of contents of the FFCD to his report that was submitted to the Security Council on 11 April 1996 (S/1996/261). This report was approved by the Council and the list of contents did not include a "summary of practical and theoretical achievements".

2. The request for a "summary of practical and theoretical achievements" was first raised by IAEA AT in May 1997. The IT letters dated 15 and 22 September 1997 addressed this point in detail stressing, inter alia, what is indicated in paragraph 1 above, and that all former INP achievements are fully detailed in the FFCD-F and its annexes, that the preparation of a summary is purely an editorial task and has no technical value.

3. It should be borne in mind that attachment I to the IAEA report dated 8 October 1997 (S/1997/779) is a 40-page summary of the former INP. This probably meets IAEA's summary needs and IT have no comment on its contents.

VI. POST-WAR PROCUREMENT SYSTEM

1. This matter is entirely unrelated to the former INP.

2. IT addressed the clarifications posed by the IAEA AT in three letters dated 4 and 27 September and 13 October 1997, which described the post-war procurement system adopted in sufficient detail.

3. This matter does not pertain to the disarmament phase, since it is related to the export/import mechanism approved by the Security Council in resolution 1051 (1996). Consequently, it is only relevant to OMV.

VII. CONCLUSION

1. A letter dated 19 August 1997 invited the IAEA Action Team leader to visit Baghdad to review and finalize all outstanding matters and bring them to conclusion. The AT leader did not respond to this invitation!

2. A second letter dated 4 September 1997 also invited the AT leader to visit Baghdad to finalize all matters related to the former INP. Moreover, the AT leader was informed that Deputy Prime Minister Mr. Tariq Aziz would grant him a personal interview to clarify the so-called "Governmental Committee" and "The Hussein Kamil Agenda" so that these matters could be closed. The AT leader declined the invitation, claiming that he could not fit this visit into his busy schedule!

3. The IAEA AT leader was scheduled to visit Baghdad during the period 4 to 7 November 1997 to finalize these minor points and failed to implement his schedule.

4. It is evident from the foregoing presentation that the five points mentioned in paragraph 75 of S/1997/779 have been fully addressed by IT and nothing of substance remains to delay the closure of the disarmament phase of the nuclear file.